

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LEE EDWARD BOYD,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-10-378-M
)	
JUSTIN JONES, DIRECTOR,)	
)	
Respondent.)	


ORDER

On August 31, 2010, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that respondent's motion to dismiss be granted and petitioner's petition be dismissed without prejudice. Petitioner was advised of his right to object to the Report and Recommendation by September 21, 2010. A review of the file reveals no objection has been filed.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on August 31, 2010;
- (2) GRANTS respondent's motion to dismiss [docket no. 7]; and
- (3) DISMISSES the petition for writ of habeas corpus without prejudice.

IT IS SO ORDERED this 30th day of September, 2010.


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE